S.B.CRIMINAL MISC.II BAIL APPLICATION NO.2294/2007

Date : 18.07.2007

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Mahesh Thanvi for the applicant.
Mr. O.P. Rathi, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The submission of learned counsel for the applicant is that while rejecting first bail application, a specific direction was given for recording the statements of material witnesses in priority and the petitioner was given liberty to move regular bail application thereafter before the learned trial court. Learned counsel submits that it is correct that death of the deceased took place within 7 years of the marriage but there is no evidence available on record to show that soon before death there was demand of dowry. Learned counsel further submits that the statements of the witnesses are also not reliable. He has invited my attention towards statements of PW5 Jaisaram and PW17 Puja. According to learned counsel, PW17 has turned hostile and the

statements of other witnesses go to show that the accused applicant have falsely been involved in this case.

On the other hand, learned Public Prosecutor has opposed the bail application and submitted that it is a case where on previous occasion this Court on 14.09.2006 (S.B.Criminal Misc. Bail Application No.3885/2006) by a detailed order rejected the bail application. He submits that evidence collected so far prima facie establishes the fact that the deceased was harassed and maltreated on account of demand of dowry. He further submits that the in-laws not only once but on many occasion were requested not to harass the deceased but they did not stop and ultimately the poor lady died on account of asphyxia due to hanging.

I ave considered the submissions made before me and perused the statements recorded by the learned trial court.

Without expressing any opinion on the merit of the case while taking into consideration the facts and circumstances of the present case and further that trial is in progress and now

only few witnesses are to be examined, therefore, the application moved for bail requires to be rejected. According, the the bail application moved by the applicant under Section 439 Cr.P.C. stands rejected.

(SATYA PRAKASH PATHAK), J.

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